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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
HESSELTINE, RYAN J	
ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/698,624	Applicant(s) FISHER ET AL.	
	Examiner Ryan J Hesseltine	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) *29 and 30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 October 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 29 and 30 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 1-28, hereafter invention I, are directed to a method of real-time identification and verification of the identity of a person comprising capturing an image of a fingerprint and a portable apparatus for identification and verification of a fingerprint, which is classified in class 382, subclass 124, whereas claims 29 and 30, hereafter invention II, are directed to a method of real-time identification and verification of the identity of a person comprising capturing a facial image, which is classified in class 382, subclass 118.

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as fingerprint recognition, and invention II has separate utility such as facial recognition. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 29 and 30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

5. Applicant's arguments on page 8, section I, filed May 17, 2004, with respect to claim 1 have been fully considered and are persuasive. The objection of claim 1 has been withdrawn.

6. Applicant's arguments on page 8, section II, filed May 17, 2004, with respect to claim 1 and 16 have been fully considered but they are not persuasive. On page 8, last paragraph onto page 9, applicant states, "Fishbine does not suggest a method of real-time identification and verification of the identity of a person as recited by claim 1 of the present invention...Fishbine discloses that the fingerprint images are subsequently transmitted to a mobile unit and then to a central location, without suggesting that prior to transmitting the fingerprint images to a central location, the fingerprint images are enhanced." The examiner respectfully disagrees. Fishbine discloses that upon receiving the fingerprint image signal from terminal 28, the mobile unit **digitizes and processes** the fingerprint image, after which, the image can be wirelessly transmitted to a base unit at a central facility, such as a police station, for identity verification (column 4, line 42-51). Digitization is well known in the art and typically uses a threshold such as the mean pixel value to threshold pixels into binary, black or white, pixel values, which often serves to reduce the amount of data that must be stored and/or transmitted. The examiner believes that this digitizing and processing of the fingerprint image before it is transmitted to a central facility reads on the claimed fingerprint image enhancement. The examiner would also like to point out USPN 4,811,414 to Fishbine et al. (newly cited), which the Fishbine reference (USPN 5,222,152) mentions in the above section as a method of digitizing and processing the fingerprint image. The '414 patent discloses methods for operating a programmable digital computer to enhance images of fingerprints represented by an array of pixel values.

7. The remainder of applicant's arguments rely on the central argument surrounding the independent claims 1 and 16 and, therefore, are not further discussed. Since applicant has not set forth any arguments as to the subject matter of any dependent claims, it is assumed that applicant agrees with the examiner's grounds of rejection of those claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al. (USPN 5,222,152, previously cited), hereafter Fishbine, in view of Glaze et al. (USPN 6,320,974, previously cited), hereafter Glaze.

10. Regarding claim 1, Fishbine discloses a portable method of real-time identification and verification of the identity of a person comprising the following steps: providing a portable handheld device 10 (Figure 1; column 3, line 4-36); capturing an image of a fingerprint (column 3, line 13-17); storing (recording) fingerprint images in temporary data storage (inherent) of the portable handheld device (column 4, line 10-29); enhancing (digitizing and processing) the fingerprint image; after enhancing the fingerprint image, transmitting fingerprint images to a central processor for processing (column 3, line 19-35; column 4, line 42-51); processing the transmitted fingerprint images to determine if there is matching fingerprint information (identity verification) in central data storage (column 4, line 45-51); and displaying the data received on a display (26) of the portable handheld device (column 3, line 19-30; column 4, line 30-42).

11. Fishbine does not explicitly disclose processing the fingerprint image to determine if the fingerprint image meets a predetermined quality level or receiving data from the central processor relating to the processed fingerprint image. Glaze discloses a stand-alone biometric identification system wherein quality analysis is performed on a scanned fingerprint data to make sure the fingerprint image is of sufficient quality (column 7, line 57-65). Glaze further discloses a communications link between remote workstations and a centralized server for transmitting and receiving updated workstation files (column 5, line 54-column 6, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine if the fingerprint image meets a predetermined quality level and receive data from the central processor relating to the processed fingerprint image as taught by Glaze in order to make sure that the fingerprint image is of sufficient quality (column 7, line 61-63) and to ensure that all the data needed to perform identification matching is provided at every workstation by periodic updates made via a communications link such as public switched telephone network, cellular, or satellite based communications (column 8, line 5-13).

12. Regarding claim 2, Fishbine discloses that the step of capturing a fingerprint image includes the steps of: positioning the finger on a finger receiving surface of the portable device; and scanning a slap imprint of the finger (column 3, line 15-19).

13. Regarding claim 3, Fishbine discloses the finger receiving surface captures fingerprint images using an illumination source 16 consisting of light-emitting diodes attached to side surfaces of the finger prism (column 3, line 56-60), but does not explicitly disclose that fingerprint images are captured in varying illumination conditions ranging from bright sunlight to total darkness. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to capture fingerprint images using an internal illumination source as taught by Fishbine in order to capture fingerprint images in varying illumination conditions without relying on external light sources.

14. Regarding claim 4, Fishbine discloses that the step of capturing a fingerprint image includes the steps of: positioning the finger on a finger receiving surface of the portable device; and scanning an image of the finger (column 3, line 15-19), but does not explicitly disclose that the image is a rolled fingerprint. The examiner takes Official Notice that scanning a rolled fingerprint is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to scan a rolled fingerprint in order to obtain an image of the entire fingerprint including the sides for increase matching and security.

15. Regarding claim 5, Fishbine discloses that the step of capturing a fingerprint comprising scanning a latent imprint (inked fingerprint images on paper) is well known in the art (column 1, line 18-27).

16. Regarding claim 6, Glaze discloses that the step of capturing a fingerprint image includes the step of determining the image quality of the fingerprint captured (column 7, line 61-63).

17. Regarding claim 7, Fishbine discloses that the step of transmitting fingerprint images includes the steps of: a wireless transmission from the portable handheld device to a wireless mobile unit for processing (column 3, line 19-36); and wireless transmission from the wireless mobile unit to the central processor for comparison of the fingerprint images transmitted to a plurality of previously stored images to immediately determine identity and background information on individuals being fingerprinted in the field (column 4, line 42-51).

18. Regarding claim 8, Fishbine discloses including the step of capturing a facial image ("mug shot") and transmitting the captured facial image to a central processor, wherein the step of transmitting the facial image to the central processor includes the steps of: a wireless transmission from the portable handheld device to a wireless mobile unit for processing (column 3, line 19-36); and wireless transmission from the wireless mobile unit to the central processor for comparison of the facial images transmitted to a plurality of previously stored facial images to immediately determine identity and background information on individuals in the field (column 4, line 42-51).

19. Regarding claim 9, Fishbine discloses including the steps of recording, displaying, and transmitting live video images captured (column 4, line 30-40), wherein the step of transmitting the live video images captured includes the steps of: a wireless transmission of the live video images captured from the portable handheld device to a wireless mobile unit for processing; and wireless transmission of the live video images captured from the wireless mobile unit to the central processor for storage in central data storage (column 4, line 42-51 and line 61-column 5, line 9).

20. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze as applied to claim 1 above, and further in view of Fuller et al. (USPN 4,843,377, cited on applicant's IDS), hereafter Fuller.

21. Regarding claim 10, Fishbine discloses recording, playing back, displaying, analyzing, and transmitting information (live video images) captured (column 4, line 30-40), wherein the step of transmitting the information captured includes the steps of: a wireless transmission of the

information captured from the portable handheld device to a wireless mobile unit for processing; and wireless transmission of the information captured from the wireless mobile unit to the central processor to determine identity and background information on individuals in the field (column 4, line 42-51 and line 61-column 5, line 9). Fishbine further discloses that the video camera may also be connected to a microphone (column 5, line 2-4), but does not disclose that the microphone is used to record audio information that is utilized as the live video image information described above. Fuller discloses a remote confinement system including an identity verifier 15 such as a pictorial camera, which develops visual image information to be transmitted over communications link to a central office 12 (similar to Fishbine). Fuller goes on to disclose that an alternative embodiment employs voice information that may be transmitted to the central office as a characteristic voiceprint unique to the prisoner (column 6, line 66-column 7, line 8) and an identifying comparison is then made automatically at the home location or alternatively at the central office (column 7, line 31-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to compare the audio information transmitted to a plurality of stored voice files to immediately determine identity and background information on individuals in the field as taught by Fuller in order to verify an individual's identity using an alternative or additional biometric that is unique to the individual (column 7, line 6-17) or to provide a dual purpose sampling device for obtaining breath and voice samples in such a way that samples are obtained sufficiently close together so they are assured of coming from the same individual (column 8, line 10-16).

22. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze as applied to claim 1 above, and further in view of Smith (USPN 6,012,636, previously cited).

23. Regarding claim 11, Fishbine does not explicitly disclose capturing identification data from an external source. Smith discloses a multiple card data system having first and second memory elements including magnetic strip and fingerprint scanning means wherein identification data (data unique to the card user including name, birth date, social security number, etc.) is captured from an external source (user card 10; column 8, line 11-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to capture identification data from an external source as taught by Smith in order to prevent a user from having a negative reaction to fingerprint imaging because the fingerprint is compared to a record of the user's fingerprint stored in the device (user card) rather than being compared to an impersonal, possibly remote, database (column 5, line 10-44).

24. Regarding claim 12, Smith discloses that the external source is an identification card having a magnetic strip (14) bar code (Figure 2b; column 8, line 16-22).

25. Regarding claim 13, Smith discloses that the external source is a smart card (Figure 3a; column 8, line 23-31).

26. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze as applied to claim 1 above, and further in view of Fan (USPN 6,552,682, previously cited).

27. Regarding claim 14, neither Fishbine nor Glaze discloses capturing geographical position and direction data. Fan discloses a method for distributing location-relevant information using a network including providing access only after proper identification or authentication using, for example, a scanned and digitized fingerprint (column 11, line 20-38) wherein locations can be determined using a global positioning system (GPS; column 11, line 1-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to capture geographical position and direction data as taught by Fan in order to supply the client (user) with information specific to the GPS position thereby relieving the client of the task of filtering for relevant information (column 1, line 62-column 2, line 7), or using the GPS position in a business or financial transaction as a code word to authenticate the digital instrument or to identify the first party or to establish the location for legal and other purposes (column 2, line 8-24).

28. Regarding claim 15, Fan does not explicitly disclose the step of transmitting a signal for emergency assistance, but it is disclosed that a directory assistance service may provide GPS location in response to a name or telephone number query (column 11, line 9-14). The examiner takes Official Notice that transmitting a signal for emergency assistance is well known in the art such as the universal 911 emergency assistance telephone number. It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit a signal for emergency assistance in order to alert authorities of an emergency situation or that help is needed in some life-threatening or other situation.

29. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze as applied to claim 1 above, and further in view of Fishbine et al. (USPN 4,811,414, newly cited, hereafter Fishbine '414).

30. Regarding claim 28, Fishbine discloses enhancing (digitizing and processing) the fingerprint image, but does not explicitly disclose that enhancing comprises at least one of the following steps: thresholding the image; enhancing contrast of the image; enhancing sharpness of the image; and inverting the image. Fishbine '414 discloses methods for digitally noise averaging and illumination equalizing fingerprint images wherein enhancing the fingerprint image comprises at least one of the following steps: thresholding the image (column 16, line 39-45; column 24, line 6-12; column 32, line 20-column 33, line 15); enhancing contrast of the image (column 33, line 53-column 34, line 6); enhancing sharpness of the image; and inverting the image. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enhance the fingerprint image as taught by Fishbine '414 in order to produce a high contrast enhanced fingerprint image by thresholding, correcting for vertical scale, horizontal scale and curvature errors, noise averaging and illumination equalization (column 3, line 2-55).

31. Claims 16-18, 22, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze and further in view of Mark (USPN 5,583,933, previously cited).

32. Regarding claim 16, Fishbine discloses a portable apparatus (10) for identification and verification of a fingerprint comprising: a housing (inherent) that provides for operation and command of all functions of the apparatus (Figure 1; column 3, line 4-13); a user interface (terminal 28) attached to the housing for data input (keyboard), display (monitor 26), and receipt

(fingerprint scanner 12), the user interface including at least a finger-receiving surface (finger prism 14) for receiving images of a fingerprint and buttons (keyboard) for data entry and command execution (column 3, line 7-14); a sensor (image recorder 18) positioned within the housing and electrically connected to the user interface for capturing the fingerprint images from the finger-receiving surface (column 3, line 15-17); a processor (terminal 28) electrically connected to the sensor for processing the fingerprint images captured to determine if the fingerprint images captured meet a minimum fingerprint quality level (see above discussion with respect to claim 1 in view of Glaze); a transmitter (30), electrically connected to the processor for transmitting fingerprint images to a central processor (mobile unit/central facility) for identification and verification (column 4, line 33-51); and a module operating within the processor for the enhancement (digitizing and processing) of the fingerprint image prior to transmittal of the fingerprint image (column 3, line 19-35; column 4, line 42-51).

33. Fishbine does not disclose that said housing has an ergonomic handle formed thereon that provides one hand operation and command of all functions of the apparatus. Mark discloses a method and apparatus for the secure communication of data including an auto-dialer used to store and supply biometric information for controlling access to a system using an input device 903 such as a microphone (column 50, line 22-37 and 45-55) and discloses that the process can be applied to other biometric measures such as fingerprints, retina, etc. (column 51, line 20-24). Mark further discloses that the auto-dialer housing 101, with elongated handle 140 (column 61, line 22-32), includes activation switch 131 and scroll buttons 119 provided on the top side of the housing to facilitate easy one-handed operation (column 61, line 39-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a

housing having an ergonomic handle formed thereon that provides one hand operation and command of all functions of the apparatus as taught by Mark in order to make the device more convenient and simple to use by limiting the number of buttons used for operation and to free up the user's other hand for other uses (column 62, line 64-column 63, line 5).

34. Regarding claim 17, Fishbine discloses that the portable handheld device further includes a module operating within the processor that provides for the capture of the fingerprint image prior to transmittal (column 3, line 19-22).

35. Regarding claim 18, Glaze discloses that the portable handheld device further includes data storage (databases) electrically connected to the sensor (column 5, line 58-67) for storing the fingerprint images that meet a minimum fingerprint quality level (see above discussion of claims 1 and 6).

36. Regarding claim 22, Fishbine does not disclose that the user interface includes a bar code reader for entry of identification data, but the examiner takes Official Notice that using a bar code reader to enter identification data is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enter identification data using a bar code reader in order to quickly and automatically enter identification data using a hand-held scanner without having to make contact with the item onto which the bar code is printed.

37. Regarding claim 25, Glaze discloses that the user interface includes a data entry (keyboard) device for entry of text (biodata) or voice data (column 7, line 66-column 8, line 5).

38. Regarding claim 26, Fishbine discloses that the step of capturing a fingerprint comprising scanning a latent imprint (inked fingerprint images on paper) is well known in the art (column 1,

line 18-27), but does not explicitly disclose that the portable apparatus includes a latent fingerprint alignment guide. The examiner takes Official Notice that providing a latent fingerprint alignment guide is well known in the fingerprinting art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a latent fingerprint alignment guide in order to ensure that the latent fingerprint is properly aligned on the imaging sensor.

39. Regarding claim 27, Fishbine discloses that the transmitter is a wireless transmitter (column 3, line 19-36).

40. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze in view of Mark as applied to claim 16 above, and further in view of Fujieda et al. (USPN 6,011,860, previously cited), hereafter Fujieda.

41. Regarding claim 19, Fishbine does not disclose a removable baffle for preventing illumination sources to interfere with capturing the fingerprint on the finger-receiving surface. Fujieda discloses a small, reliable image input apparatus incorporated in a fingerprint collation system of personal identification including a photo-shield case 21 having an opening 21b shaped like a finger (Figure 3; column 5, line 29-40). Fujieda does not explicitly disclose that the photo-shield case is removable, but it would be logical to make it removable to allow for replacement in the case of breakage, or different-sized openings for different-sized fingers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a removable baffle on the finger-receiving surface as taught by Fujieda in order to prevent the inner space 21a from being illuminated by external light (column 5, line 33-37).

42. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze in view of Mark as applied to claim 16 above, and further in view of Fuller.

43. Regarding claim 20, Fishbine discloses a recorder that records and plays back video information that is analyzed by the processor and also that a microphone may be connected to the video camera (column 4, line 30-40; column 5, line 2-9), but does not explicitly disclose that the recorder records and plays back audio information that is analyzed by the processor. Fuller discloses an embodiment employing voice information that may be transmitted to the central office as a characteristic voiceprint unique to the prisoner (column 6, line 66-column 7, line 8) and an identifying comparison is then made automatically at the home location or alternatively at the central office (column 7, line 31-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to record and play back audio information that is analyzed by a processor as taught by Fuller in order to verify an individual's identity using an alternative or additional biometric that is unique to the individual (column 7, line 6-17) or to provide a dual purpose sampling device for obtaining breath and voice samples in such a way that samples are obtained sufficiently close together so they are assured of coming from the same individual (column 8, line 10-16).

44. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze in view of Mark as applied to claim 16 above, and further in view of Smith.

45. Regarding claim 21, Fishbine does not disclose that the user interface includes a card reader for entry of identification data from smart cards or cards having magnetic strips. Smith

discloses a multiple card data system having first and second memory elements including magnetic strip and fingerprint scanning means wherein identification data (data unique to the card user including name, birth date, social security number, etc.) is captured from an identification card having a magnetic strip (14) bar code (Figure 2b; column 8, line 11-22), or a smart card (Figure 3a; column 8, line 23-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to capture identification data from a card reader for entry of identification data from smart cards or cards having magnetic strips as taught by Smith in order to prevent a user from having a negative reaction to fingerprint imaging because the fingerprint is compared to a record of the user's fingerprint stored in the device (user card) rather than being compared to an impersonal, possibly remote, database (column 5, line 10-44).

46. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze in view of Mark as applied to claim 16 above, and further in view of Fan.

47. Regarding claim 23, Fishbine does not disclose a GPS receiving electrically connected to the processor to provide for the capture of geographical position and direction data. Fan discloses a method for distributing location-relevant information wherein locations can be determined using a global positioning system (GPS; column 11, line 1-14; see above discussion of claim 14).

48. Regarding claim 24, both Fishbine and Glaze disclose a wireless transmitter electrically connected to the processor, and Glaze discloses a single switch (submit button) that initiates sending of data to databases stored in the computer of the workstation (column 8, line 4-7). Fan

discloses that a directory assistance service may provide GPS location in response to a name or telephone number query (column 11, line 9-14), but none explicitly disclose that a single switch transmits a signal for emergency assistance. The examiner takes Official Notice that transmitting a signal for emergency assistance is well known in the art such as the universal 911 emergency assistance telephone number, which could be programmed as a "speed dial" number, etc. It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit a signal for emergency assistance in order to alert authorities of an emergency situation or that help is needed in some life-threatening or other situation.

Conclusion

49. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,141,436 to Srey et al. discloses a portable communication device having a fingerprint identification system. USPN 6,744,910 to McClurg et al. discloses a hand-held fingerprint scanner with on-board normalization data storage.

50. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J Hesseltine whose telephone number is 703-306-4069. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan J. Hesseltine
July 28, 2004

JINGGE WU
PRIMARY EXAMINER